

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1209 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 health and to make and appropriation.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 12-15-1-20 IS ADDED TO THE INDIANA
- 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 8 [EFFECTIVE JULY 1, 2006]: **Sec. 20. (a) As used in this section,**
- 9 **"fund" refers to the health care fund established under subsection**
- 10 **(b).**
- 11 **(b) The health care fund is established for the purpose of**
- 12 **supporting the operations of the Medicaid program. The fund shall**
- 13 **be administered by the office of the secretary. The office of the**
- 14 **secretary may spend the money in the fund in accordance with this**
- 15 **subsection.**
- 16 **(c) The fund consists of money received from payments by**
- 17 **employers under IC 22-2-13.**
- 18 **(d) The expenses of administering the fund shall be paid from**
- 19 **money in the fund.**
- 20 **(e) The treasurer of state shall invest the money in the fund not**
- 21 **currently needed to meet the obligations of the fund in the same**
- 22 **manner as other public funds may be invested. Interest that**
- 23 **accrues from these investments shall be deposited in the fund.**
- 24 **(f) The money in the fund at the end of a state fiscal year does**
- 25 **not revert to the state general fund.**

1 (g) Money in the fund is continuously appropriated for the
2 purposes described in subsection (b).".

3 Page 2, after line 6, begin a new paragraph and insert:

4 "SECTION 3. IC 22-2-13 IS ADDED TO THE INDIANA CODE
5 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2006]:

7 **Chapter 13. Employer Health Care Contributions**

8 **Sec. 1. As used in this chapter, "commissioner" refers to the**
9 **commissioner appointed under IC 22-1-1-2.**

10 **Sec. 2. As used in this chapter, "employer" means a private**
11 **employer that employs at least five thousand (5,000) full time and**
12 **part time employees.**

13 **Sec. 3. As used in this chapter, "health care costs" means the**
14 **amount paid by an employer to provide coverage for health care**
15 **services (as defined in IC 27-13-1-18) to employees in Indiana to the**
16 **extent the costs are deductible under federal tax law.**

17 **Sec. 4. (a) On January 1 of each year an employer shall submit**
18 **to the commissioner, on a form and in a manner approved by the**
19 **commissioner, the:**

20 (1) number of employees in Indiana on one (1) day,
21 determined by the employer, during the immediately
22 preceding calendar year;

23 (2) amount spent by the employer during the immediately
24 preceding calendar year on health care costs in Indiana; and

25 (3) percentage of payroll that was spent by the employer
26 during the immediately preceding calendar year on health
27 care costs in Indiana.

28 **(b) The information submitted under subsection (a) must:**

29 (1) be signed by the principal executive officer or an
30 individual performing a similar function; and

31 (2) include an affidavit under penalty of perjury that the
32 information submitted:

33 (A) was reviewed by the individual signing the information
34 under subdivision (1); and

35 (B) is true to the best of the individual's knowledge,
36 information, and belief.

37 **Sec. 5. When calculating the percentage of payroll under section**
38 **4(a)(3) of this chapter, an employer may exclude:**

39 (1) wages paid to an employee in excess of the median
40 household income in Indiana as published by the United
41 States Census Bureau; and

42 (2) wages paid to an employee who is eligible for Medicare.

43 **Sec. 6. (a) An employer shall do either of the following:**

44 (1) Spend on health care costs an amount equal to at least
45 eight percent (8%) of the total wages paid by the employer to
46 employees in Indiana.

(2) If the employer spends less than the amount specified under subdivision (1), pay to the health care fund established by IC 12-15-1-20 an amount equal to the difference between the amount the employer spends and an amount equal to eight percent (8%) of the total wages paid by the employer to employees in Indiana.

(b) The difference paid to the health care fund under subsection (a)(2) must be paid on a periodic basis determined by the commissioner.

(c) An employer shall not deduct any payment made under subsection (a) from the wages of an employee.

Sec. 7. The commissioner shall impose on an employer that violates:

(1) section 4(a) of this chapter a civil penalty of two hundred fifty dollars (\$250) for each day of noncompliance; and

(2) section 6 of this chapter a civil penalty of two hundred fifty thousand dollars (\$250,000).

Sec. 8. Not later than March 15 of each year, the commissioner shall obtain and report to the governor and the legislative council in an electronic format under IC 5-14-6 the:

(1) name of each employer in Indiana;

(2) definition of "full time" and "part time" employee used by each employer;

(3) number of full time employees:

(A) employed;

(B) eligible to receive health insurance benefits provided; and

(C) receiving health insurance benefits provided;

by each employer;

(4) source of health insurance benefits for full time employees not receiving health insurance benefits provided by each employer;

(5) number of part time employees:

(A) employed;

(B) eligible to receive health insurance benefits provided; and

(C) receiving health insurance benefits provided;

by each employer; and

(6) source of health insurance benefits for part time employees not receiving health insurance benefits provided by each employer;

as of the day specified in section 4(a)(1) of this chapter.

Sec. 9. The commissioner shall annually, based on the information submitted under section 4 of this chapter:

(1) verify the identity of employers in Indiana; and

(2) ensure that employers in Indiana are in compliance with

1 **section 4 of this chapter.**

2 **Sec. 10. The commissioner shall adopt rules under IC 4-22-2 to**
3 **implement this chapter."**

4 Renumber all SECTIONS consecutively.

(Reference is to HB 1209 as printed January 18, 2006.)

Representative Fry